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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,571	02/21/2001	Ryoji Ishihara	M&M-036-USA-P	5928

7590

06/27/2002

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EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/088,571	Applicant(s) Ishikawa et al
Examiner T. Yoon	Group Art Unit 1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ravinovitch et al (US 4,424,292).

Ravinovitch et al teach a composition comprising a vinyl polymer and a black infrared reflecting pigment of Cr_2O_3 and Fe_2O_3 at col. 2, lines 21-29 and col. 4, lines 36-42 and in examples. Said black infrared reflecting pigment of Ravinovitch et al inherently possesses the recited properties. The composition of Ravinovitch et al also meets the instant coating composition since a preamble alone has little probative value. Thus, the instant invention lacks novelty.

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Claims 1-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Modly (US 4,624,710).

Modly (abstract, High IR Black in blend E and F of example I) teaches the instant composition. Said High IR Black pigment of Modly inherently possesses the recited properties. The composition of Modly also meets the instant coating composition since a preamble alone has little probative value. Thus, the instant invention lacks novelty.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Allingham (US 4,895,904).

Allingham (abstract, col. 2, line 62 to col. 3, line 10, col. 4, lines 8-24 and examples) teaches the instant composition. Black pigment of Allingham inherently possesses the recited properties. The composition of Allingham also meets the instant coating composition since a preamble alone has little probative value. Thus, the instant invention lacks novelty.

Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nakamura et al (US 5,814,434).

Nakamura et al teach a coating composition comprising a binder and a black pigment in abstract. Various black pigments (col. 4, line 53 to col. 5, line 5) and binders (col. 8, lines 20-25 and col. 10, lines 11-50) are taught. Black pigment of Nakamura et al inherently possesses the

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recited properties. The composition of Nakamura et al also meets the instant coating composition since a preamble alone has little probative value. Thus, the instant invention lacks novelty.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piana (US 5,739,204) or O'Neil (US 6,207,224) in view of Ravinovitch et al (US 4,424,292), Allingham (US 4,895,904) or Modly (US 4,624,710).

Piana teaches a coating composition comprising a polyester binder and a pigment in abstract and examples. Crosslinkers such as melamine is seen at col. 4, line 66 to col. 5, line 5 and col. 7, line 48. Various pigments such as iron oxides are taught at col. 5, line 24. Coating would yield good resistance to weathering (col. 5, line 46).

O'Neil teaches a coating composition comprising a binder and a pigment in abstract and examples. Crosslinkers such as (blocked) isocyanates are taught at col. 5, line 51 to col.6, line 12. The use of pigments such as iron oxides of various colors are taught at col. 7, lines 17-28. Coating would yield good resistance to weathering (col. 7, line 35).

The instant invention further recites a reflectance of a black pigment and a black pigment of Cr_2O_3 and Fe_2O_3 over Piana and O'Neil. However, the use of such black pigment in polymeric composition in order to prevent heat buildup which would enhance the weathering is well known as taught by Ravinovitch et al, Allingham and Modly.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the black pigment of Ravinovitch et al, Allingham or Modly in Piana or O'Neil

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since Piana and O'Neil teach employing black pigments and since Piana and O'Neil teach improving resistance to weathering absent showing otherwise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/June 25, 2002



TAE H. YOON
LEAD EXAMINER